

**No. 19-70092**

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**UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**

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INTERNATIONAL UNION OF OPERATING ENGINEERS  
LOCAL 501, AFL-CIO,

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent.

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On Petition for Review of Decision and Order of National Labor Relations Board  
Case No. 367 NLRB No. 62, Case 28-CA-225263

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**MOTION FOR LEAVE TO INTERVENE BY NP SUNSET LLC D/B/A  
SUNSET STATION HOTEL CASINO**

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NP Sunset LLC d/b/a Sunset Station Hotel Casino

Proposed intervenor NP Sunset LLC d/b/a Sunset Station Hotel Casino (“Sunset”) respectfully moves this Court for leave to intervene in this appeal under Federal Rule of Appellate Procedure 15(d) and Section 10 of the National Labor Relations Act, 29 U.S.C. § 160(e).

This appeal arises from a petition for review filed by the International Union of Operating Engineers Local 501 AFL-CIO (“Union”) on January 10, 2019. The petition states that it seeks review of a final Decision and Order issued by Respondent National Labor Relations Board (“NLRB”) on January 7, 2019 and reported at 367 N.L.R.B. No. 62.

Sunset was the respondent in the proceeding before the NLRB, in which the Union alleged that Sunset had failed to bargain in good faith and refused to negotiate with or recognize the Union as the certified exclusive bargaining representative of its employees. As the respondent employer in the NLRB proceeding, Sunset’s interests will be directly affected by the Court’s disposition of this matter. Sunset seeks to intervene to ensure that its interests are adequately represented.

Sunset is already a party to two related appeals arising from the same NLRB Decision and Order that are also pending in this Court (Sunset’s petition for review in No. 19-70244 and the NLRB’s cross-application for enforcement in No. 19-70279).

Counsel for the NLRB and the Union have informed counsel for Sunset that they do not oppose this motion.

Accordingly, Sunset respectfully asks this Court to grant its motion for leave to intervene in this appeal.

Dated: February 4, 2019

Respectfully submitted,

*/s/ Stanley J. Panikowski*

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**CERTIFICATE OF COMPLIANCE**

This MOTION FOR LEAVE TO INTERVENE complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(1)(E), the page limitation of Ninth Circuit Rule 27.1(1)(d), and the word limitation of Federal Rule of Appellate Procedure 27(d)(2)(A). This motion is fewer than 20 pages long and contains 249 words, excluding the portions of the motion exempted by the rules. This motion has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point Times New Roman.

*/s/ Stanley J. Panikowski*

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**CERTIFICATE OF SERVICE**

I certify that I electronically filed this MOTION FOR LEAVE TO INTERVENE with the United States Court of Appeals for the Ninth Circuit via the Court's CM/ECF system on February 4, 2019, and that service will be made on counsel of record for all parties to this case through the Court's CM/ECF system.

*/s/ Stanley J. Panikowski*

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